
TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #11-731(E)

DIGEST

Temporarily adds noncode provisions to amend [312 IAC 9-8](#) to assist with the implementation of [IC 14-22-13-2.5](#) pertaining to the harvest, possession, and sale of roe bearing species. Effective December 5, 2011.

SECTION 1. (a) This document implements and regulates the harvest, possession, and sale of roe bearing species that are subject to licensure and regulation under [IC 14-22-13-2.5](#).

(b) This document supplements [IC 14-22-13](#) and [312 IAC 9-6](#) through [312 IAC 9-8](#).

SECTION 2. (a) The definitions in [IC 14-22-13-2.5](#), [312 IAC 3-1](#), [312 IAC 9-6-1](#), [312 IAC 9-8-2](#), and [312 IAC 9-8-4](#) through [312 IAC 9-8-6](#) apply throughout this document.

(b) In addition to the definitions referenced in subsection (a), the following definitions apply throughout this document:

- (1) "Caviar" means the processed, salted, nonfertilized roe.**
- (2) Unless otherwise specified, "division" means the department's division of fish and wildlife.**
- (3) "Helper" means any individual who assists a roe harvester in the harvest, possession, transportation, or sale of roe or roe-bearing species.**
- (4) "Roe" means the internal egg mass in an ovary or the female gametes, but not caviar, of the following species:**
 - (A) Shovelnose sturgeon.**
 - (B) Paddlefish.**
 - (C) Bowfin.**
- (5) "Roe-bearing species" means the following species:**
 - (A) Shovelnose sturgeon.**
 - (B) Paddlefish.**
 - (C) Bowfin.**
- (6) "Roe dealer" means a person who possesses a valid roe dealer's license issued under this document to purchase, process, transport, and sell roe.**
- (7) "Roe harvester" means an individual who possesses a valid roe harvester's license issued under this document to harvest, possess, transport, and sell roe contained within the body of a fish.**

SECTION 3. (a) This SECTION governs a helper.

(b) A helper must:

- (1) be in the same boat as the roe harvester while participating in commercial fishing on waters open to commercial fishing;**
- (2) not have a sport fishing, commercial fishing, roe dealer, or roe harvester license suspended or revoked, either by a court or administrative process, in Indiana or any other jurisdiction; and**
- (3) only transport, carry, or ship with a bill of lading, for a roe dealer, only lawfully harvested roe-bearing species.**

(c) A roe harvester must:

- (1) notify the department on a departmental form of any change in the list of helpers;**
- (2) not allow an individual to participate in the harvest, possession, transportation or sale of roe or roe-bearing species until the list of helpers on which the individual is identified has been received by the division.**

SECTION 4. A roe harvester's license or a roe dealer's license issued under this document is not transferable.

SECTION 5. The department shall not issue a roe harvester's license or a roe dealer's license under this document to a person whose sport fishing, commercial fishing, roe dealer, or roe harvester license has been suspended or revoked, during the term of the suspension or revocation.

SECTION 6. (a) This SECTION limits the available number and establishes priorities for the issuance of roe harvester's licenses.

(b) The maximum annual number of roe harvester's licenses is as follows:

- (1) Fifteen (15) for the Ohio River.**
- (2) Fifteen (15) for the boundary waters and water of the state except for Lake Michigan and the Ohio River.**

(c) The division shall prioritize the issuance of roe harvester's licenses as follows:

- (1) First, upon those applications by individuals who have submitted completed monthly reports to the department under [312 IAC 9-8](#) and who have reported harvesting roe-bearing species from the river for which the license is sought in either of the previous two (2) years.**
- (2) Second, upon the order the application was received by the division.**

SECTION 7. (a) This SECTION governs inspections of records and facilities.

(b) A person issued a license under this document must do the following:

- (1) Upon request by a conservation officer or other authorized representative of the department's division of law enforcement, allow:**
 - (A) access to all records and reports required under this document upon request; and**
 - (B) entry and inspection of the license holder's premises, equipment, boats, vehicles, and facilities.**
- (2) Retain for at least five (5) years a copy of all records and reports required under this document.**

SECTION 8. (a) This SECTION governs a roe harvester's license.

(b) An individual must not harvest, possess, or sell roe-bearing species without a valid roe harvester's license.

(c) An individual must apply for a roe harvester's license on a departmental form.

(d) An applicant for a roe harvester's license must:

- (1) be an Indiana resident at least eighteen (18) years of age;**
- (2) possess a valid commercial fishing license; and**
- (3) provide valid identification of all helpers on a departmental form.**

(e) A roe harvester must do the following:

(1) Prepare a daily transaction report on a departmental form in ink for each day of the month that includes the following:

- (A) The length of the fish by species for each fish harvested.**
- (B) The number of each roe-bearing species harvested.**
- (C) The river where roe-bearing species were harvested.**
- (D) Whether the fish contains eggs or not.**
- (E) The date.**
- (F) The name of any helper.**

(2) Submit the signed daily transaction reports to the department by the fifteenth day of each month for the preceding month whether the license holder fished or not.

(f) A bill of lading must accompany all shipments of roe-bearing species and contain the information required in [312 IAC 9-6-11](#). The bill of lading and the shipment must be made available upon request for inspection by a law enforcement officer.

(g) A roe harvester may sell the meat of an individual roe-bearing species of fish that does not contain roe to any other person. A roe harvester must sell the roe only to a licensed roe dealer.

SECTION 9. (a) This SECTION governs a roe dealer's license.

(b) A person must not purchase or process roe-bearing species without a valid roe dealer's license, with the exception of the meat and caviar from roe-bearing species.

(c) A person must apply for a roe dealer's license on a departmental form.

(d) An individual applying for a roe dealer's license shall be at least eighteen (18) years of age.

(e) A license holder under this SECTION must do the following:

- (1) Not purchase fish or unprocessed roe that the roe dealer knows was taken unlawfully.**
- (2) Possess a valid roe dealer's license while purchasing, receiving, transporting, or selling unprocessed roe.**
- (3) Maintain for a period of five (5) years an accurate record of all transactions involving roe-bearing species purchased from a roe harvester including the:**
 - (A) name, address, and telephone number of the roe harvester; and**
 - (B) number of pounds of roe and roe-bearing species sold.**
- (4) Submit a complete, true, and accurate report to the department by the fifteenth day of the following month on a signed departmental form in ink.**
- (5) Complete and sign the roe harvester's license transaction record for each transaction on a departmental form at the time of purchasing or receiving roe-bearing species from the roe harvester, that includes the following information:**
 - (A) The date the product is received.**
 - (B) Pounds of roe by species of fish.**
- (6) Obey all state and federal laws applicable to the processing of roe and products of roe-bearing species.**

SECTION 10. SECTIONS 1 through 9 of this document take effect December 5, 2011.

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